



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

SUNG I. OH  
SQUIRE, SANDERS & DEMPSEY, L.L.P.  
14TH FLOOR  
801 S. FIGUEROA STREET  
LOS ANGELES, CA 90017

**COPY MAILED**

**DEC 17 2004**

**OFFICE OF PETITIONS**

In re Application of	:	
Kim, et al.	:	
Application No. 10/624,412	:	ON PETITION
Filed: July 21, 2003	:	
Attorney Docket No. 58255-00005	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 15, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed November 7, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 8, 2004. A Notice of Abandonment was mailed on October 22, 2004.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the ~~entire~~ delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

An executed oath or declaration still has not been filed. Applicant indicates that inventor Nathan Leach refuses to sign the declaration. Accordingly, applicant must submit a petition under 37 CFR 1.47(a). See MPEP 409.03.

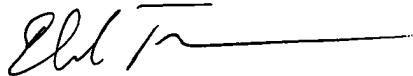
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313

By FAX: (703) 872-9306  
Attn: Office of Petitions

By hand: Customer Service Window  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Telephone inquiries should be directed to the undersigned at  
(571)272-3228.



Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
United States Patent and Trademark Office

---